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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,827	08/09/2005	Rex Allen Nisbet	6952P003	2712
8791 7590 10/16/2008 BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040				
EXAMINER				
AMINZAY, SHAIMA Q				
ART UNIT		PAPER NUMBER		
2618				
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10/16/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/520,827

Applicant(s)

NISBET, REX ALLEN

Examiner

SHAIMA Q. AMINZAY

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/9/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/9/2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SG/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action: in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1- 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over (Raith, 6,725,052) in view of Mizutani (Mizutani et al. U. S. Patent No. 7085579).

Regarding claim 1, Raith discloses a method of operating a packet network having base stations for communication with mobile units (*e.g., Fig. 1, 2:67, 3:1-3, 28-40, 55-62, the base stations (12) in communication with mobile stations (20) operates a packet data network*), comprising: initiating a call involving a group of mobile units (*e.g., 3:45-53, setting up (initiating) the group call for mobile terminals (20)*), receiving a signal at two or more of the base stations from one of the mobile units (*e.g., Fig. 1, 3:28-53, the base stations (12) receives signal from a mobile station (20)*), determining a respective priority parameter for the signal received at each base station (*e.g., 3:33-53, 10:1-5, 11-20, the assigned priority is received at base stations (12)*), adding the priority parameters to at least some [packets] of the respective signals (*e.g., 2:67, 3:1-7, 10:1-5, 11-20, the communication transmission includes the priority status (parameters)*), transmitting the

signals containing the priority parameters to the network (*e.g.*, 2:67, 3:1-7, 10:1-5, 11-20, *the priority status (parameters) included in the network transmission signals*), receiving the signals at base stations for transmission to mobile units in the group (*e.g.*, 3:33-62, *the signals are being received at the mobile station for transmission for the group call services*), and transmitting the signal having a selected priority parameter to the mobile units (*e.g.*, 3:33-53, 10:1-5, 11-20, *the specific priority status (parameter) is being transmitted to the mobile terminals (20)*).

Although, Raith does not specifically teach the priority parameter added to some “packet”, Raith does suggest the transmission of the priority status with respective signals (*e.g.*, 2:67, 3:1-7, 10:1-5, 11-20, *the communication transmission includes the priority status (parameters)*).

In a related art dealing with mobile communication system priority calls (*e.g.*, 2:29-35, 41-47), Mizutani teaches the priority parameter added to some “packet” (*e.g.* Fig. 1, 12-13, 10:54-67, *the priority parameter is included in the packet (e.g., 1203, 1303)*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to include Mizutani’s mobile transmission packet priority parameter with Raith mobile transmission priority to provide a mobile communication system that maintain radio communications priority status between mobile stations using “packet core network” (*Mizutani, e.g. Fig. 1, 4:22-41, 10:61-67*).

Regarding claim 11, Raith discloses a method of operating a packet network having base stations for communication with mobile units (*e.g.*, Fig. 1, 2:67, 3:1-3, 28-40, 55-

62, the base stations (12) in communication with mobile stations (20) operates a packet data network), comprising: initiating a call involving a group of mobile units (e.g., 3:45-53, setting up (initiating) the group call for mobile terminals (20)), receiving signals at two or more of the base stations from two or more of the units (e.g., Fig. 1, 3:28-53, the base stations (12) receives signals from mobile stations (20), determining a respective priority parameter for each of the signals received at a base station (e.g., 3:33-53, 10:1-5, 11-20, the assigned priorities received at a base station (12), adding the priority parameters to at least some [packets] of the respective signals (e.g., 2:67, 3:1-7, 10:1-5, 11-20, the communication transmission includes the priority status (parameters)), transmitting the signals containing the priority parameters to the network, (e.g., 2:67, 3:1-7, 10:1-5, 11-20, the priority status (parameters) included in the network transmission signals), receiving the signals at base stations for transmission to mobile units in the group (e.g., 3:33-62, the signals are being received at the mobile station for transmission for the group call services), and transmitting the signal having a selected priority parameter to the units (e.g., 3:33-53, 10:1-5, 11-20, the specific priority status (parameter) is being transmitted to the mobile terminals (20)).

Although, Raith does not specifically teach the priority parameter added to some “packet”, Raith does suggests the transmission of the priority status with respective signals (e.g., 2:67, 3:1-7, 10:1-5, 11-20, the communication transmission includes the priority status (parameters)).

In a related art dealing with mobile communication system priority calls (e.g., 2:29-35, 41-47), Mizutani teaches the priority parameter added to some “packet” (e.g. Fig. 1, 12-

13, 10:54-67, the priority parameter is included in the packet (e.g., 1203, 1303)).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to include Mizutani's mobile transmission packet priority parameter with Raith mobile transmission priority to provide a mobile communication system that maintain radio communications priority status between mobile stations using "packet core network" (*Mizutani, e.g. Fig. 1, 4:22-41, 10:61-67*).

Regarding claims 2 and 12, Raith in view of Mizutani teaches all the limitations in claims 1, 11, and further, Mizutani teaches ceasing transmission to the network, of a signal received from the mobile unit (*e.g. 9:65-67, 10:1-9*), after determining that the signal has a priority lower than that of a corresponding signal received from the network (*e.g. 9:65-67, 10:1-9, configuring that the mobile signal received has the lower priority*).

Regarding claim 3, Raith in view of Mizutani teaches all the limitations in claim 1, and further, Raith teaches commencing transmission of a signal to the network, received from the mobile unit (*e.g., 3:33-53, 10:1-5, 11-20*), after determining that the signal has a priority greater than that of a corresponding signal received from the network (*e.g., 3:33-53, 10:1-5, 11-20, configured that the mobile station signal receive has greater priority that the network signals) determining the assigned priority is received at base stations (12),.*

Regarding claim 4, Raith in view of Mizutani teaches all the limitations in claim 3, and

further, Mizutani teaches comprising the step of waiting for a predetermined time before commencing transmission of the signal to the network (*e.g.* 8:50-67, 9:1-39).

Regarding claim 5, Raith in view of Mizutani teaches all the limitations in claim 3, and further, Raith teaches the step of discarding at least one packet comprising the signal transmitted to the network (*e.g.* 9:65-67, 10:1-9).

Regarding claim 6, Raith in view of Mizutani teaches all the limitations in claim 1, and further, Mizutani teaches wherein the priority parameter is determined by reference to a quality of the respective signal received from the mobile unit (*e.g.*, 10:54-67, 11:1-7), and the signal transmitted to the units is selected according to highest quality (*e.g.*, 10:54-67, 11:1-7).

Regarding claim 7, Raith in view of Mizutani teaches all the limitations in claim 6, and further, Mizutani teaches wherein the quality is an error count for part or all of the respective signal received from the mobile unit (*e.g.*, 8:19-49).

Regarding claim 8, Raith in view of Mizutani teaches all the limitations in claim 6, and further, Raith teaches wherein the quality is the received signal strength of the respective signal received from the mobile unit (*e.g.*, 8:7-28).

Regarding claim 9, Raith in view of Mizutani teaches all the limitations in claim 6, and

further, Mizutani teaches wherein the quality is the signal to noise ratio of the respective signal received from the mobile unit (*e.g.*, 8:19-49, *signal to noise ration (SIR) from the mobile*).

Regarding claim 10, Raith in view of Mizutani teaches all the limitations in claim 6, and further, Raith teaches wherein the priority parameter of a signal is set to a termination value when the signal ends (*e.g.*, 10:1-5, 11-20).

Regarding claim 13, Raith in view of Mizutani teaches all the limitations in claim 11, and further, Raith teaches wherein the priority parameter is determined by a priority allocated to the two or more units (*e.g.*, 10:1-5, 11-20, *determining the priority with respect to other units (group call)*).

Regarding claim 14, Raith in view of Mizutani teaches all the limitations in claim 11, and further, Raith teaches wherein the priority parameter is determined by reference to a quality of the signals from the two or more of the units (*e.g.*, 10:1-5, 11-20).

Regarding claim 15, Raith in view of Mizutani teaches all the limitations in claim 14, and further, Mizutani teaches wherein the quality is an error count for part or all of the signals from the two or more of the units (*e.g.*, 8:19-49).

Regarding claim 16, Raith in view of Mizutani teaches all the limitations in claim 14,

and further, Raith teaches wherein the quality is the received signal strength of the signals from the two or more of the units (*e.g.*, 8:7-28).

Regarding claim 17, Raith in view of Mizutani teaches all the limitations in claim 14, and further, Mizutani teaches wherein the quality is the signal to noise ratio of the signals from the two or more of the units (*e.g.*, 8:19-49, *signal to noise ration (SIR) from the mobile*).

Regarding claim 18, Raith discloses a communication network or a base station for a network that implements or assists in a method as claimed in any of the preceding claims (*as in preceding claim 11*).

Conclusion

The prior art made of record considered pertinent to applicant's disclosure, see PTO-892 form.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaima Q. Aminzay whose telephone number is 571-272-7874. The examiner can normally be reached on 7:00 AM -4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mathew D. Anderson can be reached on 571-272-4177. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Shaima Q. Aminzay/
Primary Examiner, Art Unit 2618

10/12/08